

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LEA BLACK,

Plaintiff,

v.

PRIDE MOBILITY PRODUCTS  
CORPORATION, et al.,

Defendants.

C15-2008 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's motion for judgment on the pleadings, docket no. 40, is DENIED. This Court cannot decide as a matter of law, if Pride branded the product pursuant to RCW 7.72.040(2) at this time. The affirmative defenses of failure to join a necessary party and apportionment of fault are available to a defendant in the context of negligence claims under RCW 7.72.030(1). *See Hiner v. Bridgestone/Firestone, Inc.*, 138 Wn. 2d 248, 978 P.2d 505 (1999). This Court declines to convert this 12(c) motion into a summary judgment motion because whether plaintiff is a product seller under RCW 7.72.010(1) must await summary judgment.

(2) Plaintiff's unopposed motion to amend their complaint, docket no. 42, is GRANTED.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 27th day of January, 2017.

William M. McCool  
Clerk

s/Karen Dews  
Deputy Clerk